

1 NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE

State Bar #CA 117234

2 WILLIAM B. COSSITT, #3484

Office of the United States trustee

3 300 Booth Street, Room 3009

4 Reno NV 89509

Telephone: (775) 784-5335

5 Fax: (775) 784-5531

6 Attorneys for Acting United States Trustee

7 August B. Landis

8 UNITED STATES BANKRUPTCY COURT

9 DISTRICT OF NEVADA

10  
11 In re: ) Case no: BK-N-13-50844-BTB  
12 ) Chapter 11  
13 THE HOLDER GROUP )  
14 SHARKEY'S, LLC, ) US TRUSTEE'S OBJECTION TO  
15 ) DEBTOR'S DISCLOSURE STATEMENT  
16 )  
17 ) Hearing Date: September 12, 2013  
18 ) Hearing Time: 10:00 a.m.  
19 ) Est. Time Req.: 15 min.  
20 Debtor. )

21 The Acting United States Trustee ("US Trustee") hereby objects to approval of the  
22 Debtor's proposed disclosure statement.

23 The US Trustee represents that the disclosure statement should not be approved because  
24 the Debtor is delinquent in the payment of the quarterly fees and therefore it does not provide  
25 adequate information as required by 11 U.S.C. § 1125.

26 This Objection is made pursuant to 28 U.S.C. §§ 586(a)(3)(B) and 1930, 11 U.S.C. §  
27 1125, the following points and authorities, all pleadings and papers on file herein and any  
28 argument to be presented at the hearing on this matter.

**POINTS AND AUTHORITIES**

The US Trustee, pursuant to the provisions of 28 U.S.C. § 586(a)(3)(B), has standing to review and file with the Court comments with respect to disclosure statements and plans of reorganization.

The disclosure statement does not disclose that the quarterly fees for the second quarter of 2013 have not been paid and are delinquent. A current statement for the quarterly fees is attached hereto as Exhibit "A" and incorporated herein by reference. Despite the Debtor's representation that payment was sent, it has not been received. Requests for information from the Debtor regarding when, where, and how the payment was sent have not received a response.

A hypothetical reasonable investor would require the Debtor to disclose that it is not current on the payment of the required quarterly fees.

**CONCLUSION**

WHEREFORE, for all the reasons stated above, the US Trustee respectfully requests the Court deny approval of the disclosure statement and grant such other relief as the Court deems proper.

DATED this 6th day of September, 2013.

Respectfully submitted,

Nicholas Strozza, State Bar # CA 117234  
William B. Cossitt, State Bar #3484  
300 Booth Street, #3009  
Reno NV 89509  
(775) 784-5335

/s/ WILLIAM B. COSSITT

---

Attorneys for Acting United States Trustee  
August B. Landis

**CERTIFICATE OF SERVICE**

1. On September 6, 2013, I served the foregoing US TRUSTEE'S OBJECTION TO DEBTOR'S DISCLOSURE STATEMENT
2. I served the above-named document (by the following means to the persons as listed below:

☒ a. ECF System:

- STEPHEN R HARRIS [noticesbh&p@renolaw.biz](mailto:noticesbh&p@renolaw.biz); [bhpclerk@renolaw.biz](mailto:bhpclerk@renolaw.biz); [jodie@renolaw.biz](mailto:jodie@renolaw.biz); [ellie@renolaw.biz](mailto:ellie@renolaw.biz); [norma@renolaw.biz](mailto:norma@renolaw.biz)
- STEFANIE T. SHARP [ssharp@rbsllaw.com](mailto:ssharp@rbsllaw.com), [btaylor@rbsllaw.com](mailto:btaylor@rbsllaw.com)
- KAARAN E. THOMAS [kthomas@mcdonaldcarano.com](mailto:kthomas@mcdonaldcarano.com), [mmorton@mcdonaldcarano.com](mailto:mmorton@mcdonaldcarano.com)
- AMY N. TIRRE [amy@amytirrelaw.com](mailto:amy@amytirrelaw.com), [admin@amytirrelaw.com](mailto:admin@amytirrelaw.com)
- U.S. TRUSTEE - RN - 11 [USTPRegion17.RE.ECF@usdoj.gov](mailto:USTPRegion17.RE.ECF@usdoj.gov)
- RYAN J. WORKS [rworks@mcdonaldcarano.com](mailto:rworks@mcdonaldcarano.com), [kbarrett@mcdonaldcarano.com](mailto:kbarrett@mcdonaldcarano.com), [bgrubb@mcdonaldcarano.com](mailto:bgrubb@mcdonaldcarano.com)

☐ b. U.S. Mail, postage fully prepaid (list persons and addresses):

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 6<sup>th</sup> day of September, 2013.

**/s/ Kimberly Flores**  
KIMBERLY FLORES

# **EXHIBIT “A”**



**Chapter 11 Quarterly Fee Information and Collection System (FICS)**  
**US Trustees, US Department of Justice**

---

**Account Reconciliation**

Field Office: 17 07 Reno, NV

<b>Case #:</b> 783-13-50844	<b>CPC:</b>	<b>OCS:</b>	<b>Billed(\$):</b>	<b>4,875.00</b>
<b>Debtor:</b> THE HOLDER GROUP SHARKEY'S, LL	<b>CDC:</b>	<b>CTO:</b>	Fees(\$):	4,875.00
<b>Opened:</b> 04-30-13	<b>Closed:</b>	<b>CNV:</b>	Interest(\$):	0.00
		<b>TIN:</b>	<b>Payments(\$):</b>	<b>0.00</b>
			Principal(\$):	0.00
			Interest(\$):	0.00
			<b>Balance(\$):</b>	<b>4,875.00</b>

Quarterly Fees and Disbursements			Payments			
Quarter	Disbursements (\$)	Fee (\$)	Batch	Date	Type Code	Payment(\$)
2-2013	483,809	4,875				
Interest						

To date, there have been no interest assessment transactions posted for this account.

---